100TH CONGRESS
*1st Session*

SENATE

REPORT
100-163

# REPORT
# ON THE ACTIVITIES
OF THE
# COMMITTEE ON THE JUDICIARY
OF THE
# UNITED STATES SENATE
DURING THE
## NINETY-NINTH CONGRESS
PURSUANT TO
## Rule XXVI of the Standing Rules
OF THE
# UNITED STATES SENATE

APRIL 1987

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## COMMITTEE ON THE JUDICIARY

99TH CONGRESS

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* Senator John P. East, of North Carolina, was a member of the Committee until his death on June 29, 1986, at which point Senator James T. Broyhill became a member of the Committee.

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# REPORT OF THE ACTIVITIES OF THE COMMITTEE ON THE JUDICIARY DURING THE NINETY-NINTH CONGRESS

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Mr. THURMOND, from the Committee on the Judiciary, submitted the following

## REPORT

### SUMMARY

A substantial number of legislative matters, covering a wide range of issues, were processed by the Committee on the Judiciary during the 99th Congress. Twenty-one percent of all legislation introduced in the Senate was considered by the Committee. Thirty-nine pieces of general legislation which the Committee approved became public law. Also, 226 commemorative dates of observation and 15 private relief bills were enacted into law. Furthermore, the Committee approved 27 percent of the legislation which was passed by the Senate. An appendix attached at the end of this report provides the Committee's legislative statistics for the 99th Congress. The Committee also received 293 nominations, twelve Presidential messages, and 377 executive communications.

The Committee held 258 days of public hearings during the 99th Congress. These hearings included 71 days of oversight hearings, 115 days of legislative hearings and 71 days of hearings on nominations. The Committee also held 50 business meetings.

## FULL COMMITTEE

### JURISDICTION

In addition to legislation referred to the eight subcommittees, the full Committee itself retained jurisdiction over a significant number of bills. During the 99th Congress, the jurisdiction of the full Committee included nominations; holidays; commemorations; Federal charters; celebrations; antitrust and monopolies; Department of Justice oversight, authorization and budget and oversight of the Antitrust Division of the Justice Department. In addition, due to unique circumstances the full Committee chose from time to time to retain at the full Committee level certain legislation that might otherwise have been referred to its subcommittees.

### OVERVIEW

#### NOMINATIONS

During the 99th Congress, the Committee received 293 nominations submitted by President Reagan. Of these, 267 were reported favorably by the full Committee, and 267 were confirmed by the Senate.

#### PRESIDENTIAL MESSAGES

Twelve Presidential messages were transmitted to the Committee during the 99th Congress dealing with a variety of subjects within the Committee's jurisdiction.

#### EXECUTIVE COMMUNICATIONS

The Judiciary Committee received a total of 377 executive communications transmitting legislative recommendations and relating to the Committee's oversight responsibilities.

#### REPORTS AND PUBLICATIONS

During the 99th Congress, the full Committee filed 62 Senate reports on measures approved by the Committee.

The Committee also published hearing records on 128 different matters. Five of these dealt with Presidential appointees, and the remaining 123 publications provided background material pertinent fo the Committee's legislative activities and oversight responsibilities.

In addition, the Committee published eight committee prints dealing with areas of national interest and concern within its jurisdiction.

## NOMINATIONS

Article II, section 2 of the Constitution gives the President the power to appoint the principal officers of the Federal Government "by and with the Advice and Consent of the Senate." The Committee on the Judiciary has a unique role in reviewing nominations. It considers the choice not only of Federal administrators in the Executive Branch but also of judges and judicial officers—the principal decisionmakers of an entire separate branch of the Federal Government. The process of appointment of judges to the Federal bench continues to be a major responsibility of the Committee.

The Committee on the Judiciary has the responsibility to act upon the nominations of top administrators and policymakers in the Executive Branch of Government. Nominations for positions in the following agencies and posts are processed in the Committee: Department of Justice; Administrative Conference of the United States; all U.S. attorneys and U.S. marshals; the judge, attorney and marshal for the Canal Zone; Civil Rights Commission; Community Relations Service; U.S. Claims Court; U.S. Customs Court; Drug Enforcement Administration; Federal Bureau of Investigation; Foreign Claims Settlement Commission; the judge, attorney and marshal for Guam; Immigration and Naturalization Service; Parole Commission; Patent Office; and U.S. Court of International Trade.

During the 99th Congress, the Committee received 293 executive nominations and the Senate confirmed 267 for the following positions: The Chief Justice of the United States and an Associate Justice of the Supreme Court; 33 for U.S. Circuit Judgeship; 95 for U.S. District Court Judgeship; 5 for U.S. Claims Court Judgeship; 2 for International Trade Court Judgeship; 44 for U.S. Attorney; 46 for U.S. Marshal; 1 for Attorney General; 2 for Deputy Attorney General; 2 for Associate Attorney General; 1 for Solicitor General; 7 for Assistant Attorney General; 1 for Administrator, Drug Enforcement Administration; 1 for Deputy Administrator, Drug Enforcement Administration; 7 for membership on the Sentencing Commission (including Chairman); 2 for membership on the Foreign Claims Settlement Commission; 2 for membership on the Copyright Royalty Tribunal; 1 for Chairman of the Administrative Conference of the United States; 1 for Commissioner of Patents and Trademarks; 1 for Deputy Commissioner of Patents and Trademarks; 2 for U.S. Parole Commission; 9 for Membership of Board of Directors of State Justice Institute.

## COMMEMORATIONS

Operating under a policy agreed to during the 96th Congress, the Judiciary Committee required that commemorative bills and resolutions, in order to be considered by the Committee, must have secured the cosponsorship of at least 25 Senators, including at least 10 from each party. In addition, no commemorative measure was considered which commemorated a commercial enterprise or any political organization. Commemoratives were not designated for periods of more than 1 year.

Senators Alan Simpson (R-Wyoming) and Howard Metzenbaum (D-Ohio) were appointed by Chairman Thurmond to study and

make recommendations about changes in commemorative policy. The recommendations were approved on February 20, 1986 to go into effect on January 1, 1987. The new Committee policy requires the cosponsorship of at least 50 senators, with at least 20 Democrats and 20 Republicans. No measure may commemorate the following: a commercial enterprise, industry or specific product; a fraternal, political, business, labor or sectarian organization; a particular State or any political subdivision thereof, city, town, county, school or institution of higher learning; or a living person. In addition, the Committee will consider these measures only in the months of February, June and October.

### Department of Justice Authorization and Oversight

The Committee on the Judiciary continued its careful oversight of the operations and fiscal needs of the Department of Justice, the major law enforcement agency of the Federal Government. On April 29, 1986, the Committee held a hearing on S. 2376, to authorize appropriations for the Department for fiscal year 1987 consistent with the recommendations of Gramm-Rudman-Hollings.

### Antitrust

As occurred during the 97th and 98th Congresses, antitrust legislation continued to be addressed at the full Committee level, rather than being referred to a subcommittee.

Vigorous antitrust enforcement continued to be a priority objective of the Committee during the 99th Congress. This was reflected not only in the consideration of a variety of important legislative initiatives, but also in the continuing exercise of the Committee's oversight responsibilities over the Antitrust Division of the United States Department of Justice.

A major antitrust concern has been an administration proposal to revise the Nation's antitrust laws. The five bills in the administration package would have made revisions in the law dealing with mergers, remedies, interlocking directorates, extraterritorial jurisdiction and foreign competition (S. 2160, S. 2161, S. 2162, S. 2163 and S. 2164). Those five bills came to the Committee early in the 2d Session and were the subject of nine hearings, with the Committee favorably reporting versions of two of the bills.

One of the most significant bills reported by the Committee involved the establishment of the rights of contribution and claim reduction in antitrust damage cases. The unfairness posed by the combination of treble damages and joint and several liability in antitrust suits has been the subject of hearings and previous legislation in past Congresses. A consensus measure to resolve this difficult issue, S. 1300, was reported by the Committee late in the 2nd Session, but the measure was not considered by the Senate prior to adjournment.

Also, the Committee reported bills dealing with competition in the retail gasoline industry (S. 1140) and the application of United States antitrust laws to international trade and commerce (S. 397).

In addition, as part of its antitrust jurisdiction, the Committee held hearings on the competitive effects of the administration's proposal to sell the Conrail system to another railroad.

## MEASURES ENACTED INTO LAW

### THE ANTI-DRUG ABUSE ACT OF 1986

Public Law 99-570. The Anti-Drug Abuse Act of 1986 was a bipartisan initiative to deal with the growing drug problem in this Nation. This bill passed the Senate on Friday, October 17, 1986, and was signed into law on Monday, October 27, 1986. This legislation contained a number of judiciary related measures. Many bills reported by or pending in the Senate Judiciary Committee were included in this major, comprehensive drug bill:

(a) S. 2787, introduced by Senator D'Amato (R-N.Y.), provided mandatory minimum sentences with no parole eligibility for various drug offenses. This legislation enhanced many penalties in current law.

(b) S. 2697, introduced by Senator Hawkins (R-Fla.), provided enhanced penalties for the importation, exportation, and manufacture of controlled substances.

(c) S. 2699, introduced by Senator Specter (R-Pa.), and S. 2562, introduced by Senator Chiles (D-Fla.), provided minimum mandatory sentences for the offenses of distribution of controlled substances to minors, use of minors in drug distribution, and distribution of controlled substances in or near schools.

(d) S. 1437, introduced by Senator Thurmond, created harsh penalties for the manufacture of, possession with intent to distribute, and distribution of controlled substance analogs ("designer drugs").

(e) S. 2312, introduced by Senator Specter, redefined a "career criminal" as an individual who has three or more convictions "for a crime of violence" or "a serious drug offense, or both." This legislation prohibits possession of a firearm by a career criminal.

(f) S. 713, introduced by Senator Wilson (R-Calif.), prohibited the interstate sale and transportation of drug paraphernalia.

(g) S.J. Res. 381, introduced by Senator Hawkins, called for a White House Conference on drug use and control.

(h) S. 2560, introduced by Senator Chiles, created severe criminal penalties for the manufacture, distribution, or possession with intent to distribute cocaine freebase which is commonly known as "crack".

(i) S. 1746, introduced by Senator Chiles, called for the Attorney General to study methods to control diversion of legal precursors and chemicals which can be used to produce illegal drugs.

(j) S. 2411, introduced by Senator D'Amato, prohibited the possession, manufacture, sale, importation, and mailing of ballistic knives.

Certain bills which had been voted favorably out of the Senate Judiciary Committee and passed the Senate were included in the Anti-Drug Abuse Act:

(a) S. 630, the Federal Drug Law Enforcement Agent Protection Act, introduced by Senator Hawkins, provided rewards to those assisting with the arrest and

conviction of persons guilty of killing or kidnapping a Federal drug agent.

(b) S. 850, introduced by Senator Thurmond, made it a crime to operate or direct the operation of a common carrier while intoxicated as a result of using alcohol or drugs.

### LOW-LEVEL RADIOACTIVE WASTE COMPACTS

Public Law 99-240. The Judiciary Committee considered eight bills which proposed to grant congressional consent to compacts which would provide for the nationwide disposal of low-level radioactive waste. The Low-Level Radioactive Waste Policy Act of 1980 authorized States to form compacts with other States for the disposal of their low-level waste, and provided that after January 1, 1986, those States participating in congressionally approved compacts would only have to dispose of waste produced by compact members.

During the first session of the 99th Congress, the following compacts were submitted for approval:

S. 44—Southeast Interstate Low-Level Compact—Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee and Virginia

S. 356—Northwest Interstate Compact Low-Level Radioactive Waste Management—Alaska, Hawaii, Idaho, Montana, Oregon, Utah, Washington and Wyoming

S. 442—Rocky Mountain Low-Level Radioactive Waste Compact—Arizona, Colorado, Nevada, New Mexico, Utah and Wyoming

S. 655—Central Interstate Low-Level Radioactive Waste Compact—Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota and Oklahoma

S. 802—Central Midwest Interstate Low-Level Radioactive Waste Compact—Illinois and Kentucky

S. 899—Midwest Interstate Compact on Low-Level Radioactive Waste Management—Iowa, Indiana, Michigan, Minnesota, Missouri, Ohio and Wisconsin

S. 1798—Northeast Interstate Low-Level Radioactive Waste Management Compact—Connecticut, New Jersey, Delaware and Maryland

The Committee conducted a hearing on S. 44, S. 356, and S. 442 on March 9, 1985 (S. Hrg. 99-165). The Committee approved all seven of the compacts and they were included as Title II of the Low-Level Radioactive Waste Policy Act Amendments of 1985 (PL 99-240). Title I amended the 1980 Policy Act to extend the date that compacts may begin to exclude waste until January 1, 1993.

S. 2679, Appalachian States Low-Level Radioactive Waste Compact (Delaware, Maryland, Pennsylvania and West Virginia) was introduced during the final months of the second session and was referred to the Judiciary Committee. However, due to the limited time remaining in this session, no action was taken.

### BANKRUPTCY REFORM

Public Law 99-554. During the 99th Congress, a number of bills were introduced relating to the issue of bankruptcy. Several of these measures were included in a legislative package which became Public Law 99-554 (H.R. 5316) the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986.

S. 1923 was introduced by Senator Thurmond with Senators Grassley and Harkin on December 11, 1985. This legislation proposed the addition of new bankruptcy judgeships to address the problems faced in many Federal judicial districts which have been swamped by the significant increases in bankruptcy filings. The provisions of S. 1923 were included, in large part, in the legislation which became Public Law 99-554.

S. 1961 was introduced by Senator Thurmond with Senators DeConcini, Andrews, Burdick, D'Amato, Dixon, Simon, and Warner, by request, on December 17, 1985. This legislation proposed to authorize a new United States Trustee system on a nationwide and permanent basis. The provisions of S. 1961 were included, in large part, in the legislation which became Public Law 99-554.

### THE MONEY LAUNDERING CRIMES ACT OF 1986

Public Law 99-570. S. 2683 was introduced by Chairman Thurmond, Senators Biden, DeConcini, and D'Amato on July 24, 1986, and the bill was favorably reported by the Committee on July 31, 1986. Hearings were held on the administration's money laundering bill, S. 1335, on October 29, 1985 and, as part of the White Collar Crime hearings, on March 18 and 25, 1986. The essential text of S. 2683 was included as a section of H.R. 5484, the Anti-Drug Abuse Act of 1986 (P.L. 99-570).

The bill creates a Federal offense prohibiting the laundering of money to conceal its illegal source. In order to encourage assistance from the community, financial institutions are provided with immunity from civil prosecution of volunteering information about suspected illegal laundering activity. Additionally, the legislation provides for forfeiture of criminally derived property and permits the Federal law enforcement agencies to share forfeited property with foreign, State, and local governments which participate directly in acts leading to forfeiture.

### MAGISTRATES RETIREMENT AND RECALL LEGISLATION

Public Law 99-651. S. 2529 was introduced by Chairman Thurmond and Senator Laxalt on June 9, 1986. A hearing on the bill was held on July 25, 1986 by the Courts Subcommittee, and the full committee approved a substitute bill on September 19, 1986. The text of S. 2529 was added to the Criminal Justice Act bill, H.R. 3004, and the House amended the magistrates provisions to include only the recall sections. The Senate passed this version of the bill. The bill provides for the recall of retired magistrates when there is a substantial need in a judicial district for such services.

### SUPERFUND IMPROVEMENT ACT OF 1985

Public Law 99-499. Select provisions of S. 51, The Superfund Improvement Act of 1985, falling squarely within the jurisdiction of the Committee on the Judiciary were referred to the Committee for a period of 18 days. The relevant provisions dealt with contribution and parties to litigation; pre-enforcement review; and, citizen suits. The Committee conducted 2 days of hearings (Print J-99-30). Expert witnesses from the administration, as well as from the business and the environmental communities, appeared before the Committee to discuss S. 51 and the Superfund Program. As a result of these hearings, the members of the Committee worked with officials from the Environmental Protection Agency and the Department of Justice to formulate an amendment package to address several key issues. Despite the fact that the referral had expired prior to formal Committee action on the amendment, a majority of the Committee (10 members) supported the Thurmond-EPA-DOJ amendment package. This amendment package was offered as Amendment No. 663 to S. 51 by Senator Stafford, Chairman of the Committee on the Environment and Public Works Committee, on the Senate floor on September 20, 1985. The amendment was accepted by unanimous consent.

### CONRAIL SALE AUTHORIZATION

Public Law 99-509. In the 99th Congress, the Committee considered legislation that would authorize the Department of Transportation to transfer ownership of the government-owned Conrail freight rail system to private ownership. Because the proposal involved the sale to another railroad, significant merger law issues were involved. While the bill authorizing the sale, S. 638, was referred to the Commerce, Science and Transportation Committee, the Committee exercised its oversight authority over the Antitrust Division of the Department of Justice, which played a key role in the proposed merger, to consider the measure.

The Committee held two hearings on March 27 and April 2, 1985. Committee deliberations on the proposal continued until December 1985, but no action was taken on the bill. The bill was passed by the Senate, modified in the House and enacted into law.

## MEASURES ACTIVELY CONSIDERED

### DEATH PENALTY, HABEAS CORPUS AND EXCLUSIONARY RULE REFORM

S. 239. In the 99th Congress, the Committee once again considered legislation regarding the death penalty, habeas corpus reform, and exclusionary rule reform. These bills were the subject of extensive hearings and debate in previous Congresses. The Committee held a hearing on S. 239, which would establish constitutional procedures for the imposition of the death penalty on September 24, 1985 (S. Hrg. 99-53). The Committee subsequently considered this bill at several of its business meetings and approved it on February 20, 1986 (S. Rept. 99-282). The Senate did not act on this bill.

S. 238. The Committee held a hearing on S. 238, a bill to reform habeas corpus procedures, on October 8, 1985 (S. Hrg. 99-61). This

bill was considered at several business meetings; however, no final Committee action was taken. Subsequent to Committee consideration, Senator Thurmond introduced the substance of S. 238 as S. 2301 and it was held at the desk. This action was taken so that prolonged committee debate would not deprive the Senate of the opportunity to consider this measure and so that the Committee could proceed to consider other important business. The Senate did not take any action on this measure.

S. 237. The Committee conducted a hearing on S. 237, a bill to limit the application of the exclusionary rule on October 2, 1985 (S. Hrg. 99-57). This measure was not considered at the Committee business meetings. For the same reasons applicable to the habeas bill, Senator Thurmond reintroduced S. 237 as S. 2302 and it was held at the desk. No action was taken by the Senate on this measure.

### THE INTEGRITY IN POST EMPLOYMENT ACT OF 1986

S. 2334, the Integrity in Post Employment Act of 1986, was introduced by Senator Thurmond (R-S.C.) on April 17, 1986. The bill as originally introduced amended Section 207 of Title 18, United States Code, to prohibit Members of Congress and officers and employees of all branches of the United States Government from attempting to influence the United States Government or from being employed by, advising, representing, or assisting any foreign entity. The purpose of this legislation was to address two major concerns: (1) that some former Federal employees were using their access and influence for personal and financial gain, and (2) that some former employees were using sensitive information, vital to national interests, for financial gain by directly or indirectly sharing this information with foreign interests.

The bill was referred to the Judiciary Committee where two hearings were held. A substitute amendment was adopted by voice vote and reported on June 26, 1986, with one Senator recorded in opposition. The substitute prohibits Members of Congress and certain high-level officers and employees of all branches of the United States Government from attempting to influence the United States Government or being employed by, advising, or representing foreign entities for compensation.

The measure was placed on the Senate agenda, but not considered prior to adjournment.

### FAIRNESS IN ALLOCATION OF ANTITRUST DAMAGES

S. 1300, to make certain reforms in the allocation of damages in private antitrust litigation, was introduced by Senator Thurmond on June 18, 1985, with a majority of Committee members as cosponsors. The purpose of the bill was to correct an unfair effect of settlement pressure in private antitrust enforcement caused by the combined forces of joint and several liability, treble damages and class-action suits. This effect results when plaintiffs sue a number of defendants allegedly engaged in joint conduct that violates antitrust law, settle cheaply and early with larger defendants, and leave smaller, even innocent, defendants facing possible liability for three times the damages attributable to all defendants. The bill

as reported would provide for reduction of the plaintiffs' claim against the defendants by the fair share of damages attributable to any defendant who settles with the plaintiff. In certain cases, the bill would also reduce the plaintiffs' claim against the defendants by the fair share of damages attributable to any coconspirators whom the plaintiffs choose not to sue.

The bill was referred to the Committee, and hearings were held on July 29, 1985, and April 15, 1986. During Committee consideration of S. 1300, another bill concerning private antritrust damages was introduced on behalf of the administration and referred to the Committee. After hearings on the administration bill, S. 2162, the Committee reported a bill that was a compromise of S. 1300 and S. 2162.

The reported bill was placed on the Senate agenda but was not considered prior to adjournment.

### PRODUCT LIABILITY LEGISLATION

S. 2760, which was a compromise bill drafted by members of the Commerce Committee, was introduced, as an original bill, by Senator Danforth on August 14, 1986. The Judiciary Committee held hearings on the bill on September 9 and 10, 1986. The hearings provided a forum for the Judiciary Committee to hear a spirited debate on the need for uniform product liability law from both proponents and opponents. On September 25, 1986, the Senate voted to cut off debate on the legislation, but it was then returned to the calendar and was not brought to the floor for Senate consideration again.

### WHITE COLLAR CRIME HEARINGS

The Judiciary Committee conducted a series of white collar crime hearings aimed at understanding the nature and extent of the problem and seeking legislative solutions. Hearings where held on February 27, March 11, 18, 25, April 17, May 8, 1986, and they included testimony from the Justice and Treasury Departments, the banking and brokerage industries, and many academics. The hearings were focused primarily on money laundering and the E.F. Hutton investigation. While no specific legislation was considered at these hearings, the testimony relating to money laundering was quite useful in drafting the final money laundering bill.

### CIVIL RICO

S. 1521 was introduced by Senator Hatch (R–Utah) on July 29, 1985. This legislation was intended to limit private civil actions brought under Chapter 96 of Title 18, the Racketeering Influenced and Corrupt Organizations Act, and to clarify the intent of this Act as originally enacted by Congress. This bill was referred to the Committee on the Judiciary where it was placed on the active Judiciary agenda. S. 1521 was not reached for consideration by the Judiciary Committee prior to adjournment.

S. 2907 was introduced by Senator Metzenbaum (D–Ohio) on October 3, 1986, and referred to the Senate Judiciary Committee. This bill offered a proposal to amend the Racketeering Influenced and

Corrupt Organizations Act. Due to the lateness of its introduction, it was not placed on the active Senate Judiciary agenda. Senator Metzenbaum offered this bill as an amendment on the Senate floor to other legislation late in the 99th session. This amendment was tabled and not brought up for reconsideration prior to adjournment.

H.R. 5445, the House proposal to amend Chapter 96 to title 18, was referred to the Senate Judiciary Committee on October 9, 1986. Due to the lateness of the referral, this legislation was not considered by the Senate Judiciary Committee prior to adjournment.

### FOREIGN ANTITRUST IMPROVEMENTS ACT OF 1986

S. 397. The reported bill, as amended, represented a compromise between a bill introduced by Senator DeConcini, S. 397, on February 6, 1985, and a bill introduced by Senator Thurmond on behalf of the administration, S. 2164, on March 7, 1986. Hearings were held on the measure on June 21 and October 15, 1985.

The bill as reported would make several changes in existing antitrust law as the law applies to conduct occurring outside the United States. In antitrust cases involving extraterritorial conduct, the bill would require courts to give early consideration to motions to dismiss based on lack of, or inappropriate exercise of, jurisdiction. In such cases, the courts would be directed to dismiss the suit if they find, primarily on the basis of six, non-exclusive enumerated factors, that it would be inappropriate for the courts to exercise jurisdiction over the matter. The bill would also apply the doctrine of *forum non conveniens* to antitrust suits.

On October 2, 1986, the Committee reported the compromise bill, but the Senate did not consider the measure prior to adjournment.

### MOTOR FUEL SALES COMPETITION IMPROVEMENT ACT

S. 1140. After a hearing held on October 9, 1985, S. 1140 was considered and reported by the Committee. The bill would make it unlawful for a large, integrated petroleum refiner to increase the number of sevice stations it directly operated after the date of enactment. The bill would also prohibit any petroleum refiner from requiring that its franchised dealers purchase more than 70% of their requirements of refined products from that refiner. The bill was placed on the Senate calendar, but was not considered prior to adjournment.

### MALT BEVERAGE INTERBRAND COMPETITION ACT

S. 412. The Committee considered and reported S. 412, a bill to amend the antitrust law governing wholesale distribution in the malt beverage industry. The bill would alter the antitrust law as it applies to exclusive territories, a form of vertical restraint agreement between a manufacturer and its distributors.

The bill was reported by a divided vote on March 13, 1986, but the reported bill was not considered by the Senate prior to adjournment. On September 30, 1986, however, a similar measure was debated on the Senate floor as an Appropriations Committee amend-

ment to the Continuing Resolution. After debate, the amendment was withdrawn.

### Subcommittee Activity

The eight subcommittees of the Committee on the Judiciary also took action on a significant amount of legislation and conducted a number of legislative, oversight, and investigatory hearings. The following material briefly summarizes the activities and accomplishments of each subcommittee.

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## SUBCOMMITTEE ON PATENTS, COPYRIGHTS AND TRADEMARKS

Mr. MATHIAS, *Chairman*

| | |
|---|---|
| Mr. LAXALT | Mr. LEAHY |
| Mr. HATCH | Mr. METZENBAUM |
| Mr. SIMPSON | Mr. DeCONCINI |
| Mr. SPECTER | Mr. KENNEDY |

### Jurisdiction

The jurisdiction of the Subcommittee on Patents, Copyrights and Trademarks includes patent, copyright and trademark law; the Patent and Trademark Office; the Copyright Royalty Tribunal; trademark counterfeiting; trade secrets (joint referral with Subcommittee on the Constitution in connection with Freedom of Information Act); matters of international law within Committee jurisdiction including international treaties jointly referred to Foreign Relations and Judiciary; and privacy matters (exclusive of the Privacy Act and of civil liberties).

### Oversight Activities

During 99th Congress, the Subcommittee on Patents, Copyrights and Trademarks held oversight hearings on:

Civil and Criminal Enforcement of the Copyright Laws (1 day);

U.S. Adherence to the Berne Convention (2 days); and

Office of Technology Assessment Report on Intellectual Property Rights in an Age of Electronics and Information (1 day; joint hearing with House Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice).

### Legislative Activities

During the 99th Congress, 28 Senate bills and 8 House bills were either referred to the subcommittee or handled on the floor of the Senate without Committee referral. Five of these measures were enacted into law.

During the 99th Congress the subcommittee held 10 days of legislative hearings on the following bills:

Patent and Trademark Office Re-authorization (S. 866 and H.R. 2434);

Agricultural Chemicals Patent Term Restoration (S. 1093);

Process Patent Amendments (S. 1543);

Home Audio Recording Act (S. 1739) (2 days);
Electronic Communications Privacy Act (S. 1667);
Copyright Holders Protection Act (S. 1384);
Cultural Property Repose Act (S. 1523);
Extending the Manufacturing Clause of the Copyright Act (S. 1822 and S. 1938); and
Source Licensing (S. 1980).

## Measures Enacted Into Law

### LOW POWER TELEVISION

Public Law 99-377 (H.R. 3108) Mr. Kastenmeier et al.: An act to amend title 17, United States Code, to clarify the definition of the local service area of a primary transmitter in the case of a low power television station. (Senate companion bill: S. 1526, Mr. Mathias et al.)

### FEDERAL TECHNOLOGY TRANSFER ACT

Public Law 99-502 (H.R. 3773) Mr. Fuqua: The Federal Technology Transfer Act, to amend the Stevenson-Wydler Technology Innovation Act of 1980 to promote technology transfer by authorizing government-operated laboratories to enter into cooperative research agreements and by establishing a Federal Laboratory Consortium for Technology Transfer within the National Science Foundation.

### ELECTRONIC COMMUNICATIONS PRIVACY ACT

Public Law 99-508 (H.R. 4952) Mr. Kastenmeier et al.: The Electronic Communications Privacy Act, to amend the Federal criminal code to extend the prohibition against unauthorized interception of communications to specified types of electronic communications. It also prohibits unauthorized access to an electronic communications system in order to obtain or alter information contained in such a system. (Senate companion bill: S. 2575, Messrs. Leahy, Mathias and Thurmond.)

### PATENT AND TRADEMARK OFFICE AUTHORIZATION

Public Law 99-607 (H.R. 2434) Mr. Kastenmeier et al.: An act to reauthorize the Patent and Trademark Office through fiscal year 1988. It also prohibits the Commissioner of Patents and Trademarks from increasing fees during the authorization period; reduces fees for independent inventors, non-profit organizations, and small businesses; and greatly strengthens Congressional oversight of the Patent and Trademark Office and its automation effort. (Senate companion bill: S. 866, Mr. Mathias.)

### PATENT COOPERATION TREATY

Public Law 99-616 (S. 1230) Mr. Mathias et al.: An act to remove the reservation to Chapter II of the Patent and Cooperation Treaty.

### Other Measures Actively Considered

During the 99th Congress, the subcommittee reported six bills (H.R. 2434, S. 1093, S. 1230, S. 1543, S. 1739, and S. 2575), and was discharged from consideration of four bills. (S. 1002, S. 1822, S. 1938, and S. 1980.)

S. 1093, Mr. Mathias; Mr. Thurmond; Mr. Biden; Mr. Dole; Mr. DeConcini; Mr. Heflin; Mr. Denton; Mr. Specter: A bill to provide patent term restoration to agricultural chemicals. (Added as amendment to S. 2792, the Federal Insecticide, Fungicide, and Rodenticide Act; See H.R. 2482.)

S. 1543, Mr. Mathias; Mr. Lautenberg; Mr. Laxalt; Mr. DeConcini; Mr. Specter; Mr. Denton; Mr. Dixon: The process patent amendments. (Committee ordered bill reported with an amendment in the nature of a substitute.) (See H.R. 4899, Patent Equity Act.)

S. 1739, Mr. Mathias; Mr. Hatch; Mr. D'Amato; Mr. Wilson; Mr. Cochran; Mr. Kennedy; Mr. Cranston; Mr. Sasser; Mr. Gore; Mr. Simon; Mr. Leahy: The Home Audio Recording Act. (Committee held additional hearing; placed on Committee agenda.)

S. 1002, Mr. Thurmond; Mr. Specter; Mr. Metzenbaum: A bill to amend the Lanham Act to improve certain provisions relating to concurrent registrations. (Committee ordered bill reported favorably without amendment.) (Passed Senate without amendment with Voice Vote.)

S. 1822, Mr. Thurmond; Mr. Leahy; Mr. Laxalt; Mr. Hatch; Mr. Grassley; Mr. Specter; Mr. McConnell; Mr. Simon; Mr. Sasser; Mr. Dixon; Mr. Danforth; Mr. Quayle: A bill to extend the manufacturing clause of the Copyright Act. (Committee ordered bill reported favorably with an amendment in the nature of a substitute. S. Rept. 99-303.) (Sequentially referred to the Committee on Finance; ordered reported with an amendment in the nature of a substitute. S.Rept. 99-322.) (Placed on Senate Legislative Calendar under General Orders. Calendar No. 681.)

S. 1938, Mr. Metzenbaum; Mr. Leahy; Mr. Simon; Mr. Specter; Mr. DeConcini: A bill to extend the manufacturing clause of the Copyright Act. (Indefinitely postponed by full Committee; see S. 1822.)

S. 1980, Mr. Thurmond; Mr. Zorinsky; Mr. East; Mr. Simpson; Mr. Kerry: A bill regarding the conveyance of audiovisual works. (Hearings held.)

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## SUBCOMMITTEE ON THE CONSTITUTION

Mr. HATCH, *Chairman*

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|---|---|
| Mr. THURMOND | Mr. DeCONCINI |
| Mr. GRASSLEY | Mr. SIMON |

### Jurisdiction

Constitution amendments; constitutional convention procedures; civil rights laws; civil liberties; Freedom of Information (with joint referral to Subcommittee on Patents, Copyrights and Trademarks on issue of trade secrets); compacts; apportionment of representatives; U.S. Commission on Civil Rights; oversight of Civil Rights Division of the Department of Justice; separation of powers between

the branches of the National Government; division of powers between the National and State Governments; Government information.

## Legislative Activities

During the 99th Congress 26 Senate bills, 3 Senate resolutions, 22 Senate joint resolutions, and 1 House bill were referred to the Subcommittee. The Subcommittee held 18 days of legislative hearings and 3 days of markups. The hearings were held on:

Balanced Budget Constitutional Amendment;
Constitutional Issues/Genocide Convention;
Abortion Funding Restriction Act;
Fetal Pain;
Constitutional Amendment Relating to School Prayer;
Bicentennial of the Constitution;
Civil RICO Reform;
Legal Fees Equity Act;
Supplementary Extradition Treaty—U.S. and UK;
Municipal Liability;
Court Interpreters Improvement Act;
Newspaper Preservation Act;
False Claims and Fraud Legislation;
California/Nevada Interstate Compact; and
Product Liability.

## Measures Enacted Into Law

### CRIMINAL JUSTICE ACT REVISION

Public Law 99-651 (S. 1581), Mr. Thurmond et al.: Amends the Federal criminal code to revise provisions concerning the appointment of counsel in Federal criminal proceedings.

### ARKANSAS-MISSISSIPPI GREAT RIVER BRIDGE CONSTRUCTION COMPACT

Public Law 99-560 (S. 1082) Mr. Cochran: Grants congressional consent to Arkansas-Mississippi Great River Bridge Construction Compact. This measure passed the Senate by voice vote.

### FREEDOM OF INFORMATION REFORM ACT

Public Law 99-570 (S. 150) Portions of S. 150 were passed as part of H.R. 5484, the Drug Enforcement, Education, and Control Act of 1986. These provisions amend the current exemption seven of the Freedom of Information Act to enhance the ability of Federal law enforcement agencies such as the FBI and the DEA to combat crime. The provisions enhance protections within exemption 7(C) of the act. Thus, the new exemption applies to information which "could reasonably be expected to" cause harm to confidential law enforcement informants and investigations.

## Other Measures Actively Considered

One of the Senate Resolutions and Senate bills considered by the Subcommittee, 2 resolutions and 10 bills were favorably approved by the Subcommittee for full Committee action. The following bills

were favorably approved by the Constitution Subcommittee but failed to receive consideration by the full Committee before adjournment sine die:

S. 436, Municipal Liability, (Mr. Hatch) would significantly relieve the liability crisis facing local government by restricting the scope of 42 U.S.C. 1983 to constitutional and civil rights claims and establishing a good-faith defense for governmental entities. The bill also establishes a uniform statute of limitations for section 1983 actions and requires exhaustion of administrative and State remedies prior to bringing an action under section 1983. S. 436 passed the Subcommittee by voice vote;

S. 37, the Public School Civil Rights Act (Mr. Hatch), which provides adequate civil rights for our public school students. The bill eliminates inferior Federal court jurisdiction requiring the assignment or transportation of students to public schools on the basis of race, color or national origin.

Nine of these measures were subsequently favorably approved by the full Committee following Subcommittee passage. The following bills were approved by the full Committee but were not passed by the full Senate before adjournment sine die:

S.J. Res. 13, the Balanced Budget Constitutional Amendment (Mr. Thurmond), which would reestablish constitutional limitations upon Federal deficits. A similar resolution, S.J. Res. 225, failed by one vote, 66–34, to get the two-thirds supermajority necessary for approval of a constitutional amendment proposal. The proposed constitutional amendment addresses a serious spending bias in the present fiscal process arising from the fact that Members of Congress do not have to cast votes on behalf of new taxes in order to accommodate new spending programs;

S.J. Res. 2, the Voluntary Silent Prayer Constitutional Amendment (Mr Hatch), which overturns the 1985 Supreme Court decision *Jaffree* v. *Wallace*. The purpose of S.J. Res. 2 is to restore, in the limited area of silent public school prayer, what the Committee views to be the original understanding of the establishment clause of the first amendment to the Constitution. The proposed constitutional amendment would allow for a brief period of silent prayer or reflection by public school students; and

S. 1853, the Court Interpreters Improvement Act (Mr. Hatch), provides for the use of simultaneous or consecutive translation at grand jury hearings for the relevant language, or to assist the hearing impaired. S. 1853 would extend interpreter coverage to witnesses who testify before a grand jury.

The following bills were approved by the full Committee and passed by the Senate, but congressional action was not completed before adjournment sine die:

S. 86, the Sex Discrimination in the United States Code Reform Act (Mr. Dole), would amend provisions of the United States Code to eliminate gender based distinctions; and

S. 1421 (Mr. Specter), would grant congressional approval to a modification to the Susquehanna River Compact relating to the rate of interest on bonds issued by the Susquehanna River Basin Commission. This bill passed the Senate by voice vote.

## SUBCOMMITTEE ON CRIMINAL LAW

Mr. LAXALT, *Chairman*

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| Mr. THURMOND | Mr. BIDEN |
| Mr. SPECTER | Mr. KENNEDY |
| Mr. MATHIAS | Mr. METZENBAUM |

### JURISDICTION

The jurisdiction of the Subcommittee on Criminal Law includes criminal laws, criminal justice proceedings, Federal Rules of Criminal Procedure, and oversight of the Bureau of Prisons, the United States Parole Commission, and the Criminal Division of the Department of Justice.

### LEGISLATIVE ACTIVITIES

During the 99th Congress, 73 bills were referred, either exclusively or jointly, to the Subcommittee on Criminal Law. The Subcommittee held hearings on five measures.

Legislation to amend the National Stolen Property Act (S. 605);

Legislation to eliminate the use of cable television and interstate telephone service for the transmission of obscene and indecent material (S. 1090);

Legislation to allow access by railroad police and private university and college police to Federal Government criminal identification records (S. 1203);

Legislation to amend the Armed Career Criminal Act (S. 2312); and

Legislation to amend the Public Safety Officers Benefits Act (S. 917, S. 1479, and S. 2499).

### MEASURES ENACTED INTO LAW

#### MINOR AND TECHNICAL AMENDMENTS TO THE COMPREHENSIVE CRIME CONTROL ACT OF 1984

Public Law 99-646 (S. 1236), Mr. Thurmond et al.: An act to make minor and technical amendments to provisions enacted by the Comprehensive Crime Control Act of 1984.

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## SUBCOMMITTEE ON IMMIGRATION AND REFUGEE POLICY

Mr. SIMPSON, *Chairman*

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| Mr. GRASSLEY | Mr. KENNEDY |
| Mr. DENTON | Mr. SIMON |

### JURISDICTION

The Subcommittee is responsible for oversight of the Immigration and Naturalization Service of the Department of Justice, the Bureau of Consular Affairs and the Bureau for Refugee Programs of the Department of State, and the Office of Refugee Resettlement of the Department of Health and Human Services. It is also responsible for legislation with regard to immigration and nationality

laws, refugee laws, private immigration laws, and the budget of the Immigration and Naturalization Service.

### Oversight Activities

During the 99th Congress, the Subcommittee held 9 days of oversight hearings on the following topics:

—effects of famine on African refugees (1 day);
—proposed budget for Immigration and Naturalization Service for fiscal years 1986 and 1987 (2 days);
—annual consultation on refugee admissions levels for fiscal years 1986 and 1987 (2 days);
—mid-year consultation on activities of U.S. refugee program, fiscal year 1986 (1 day); and
—attempted defection of Miroslav Medvid, and U.S. Government response to his case (3 days).

In addition, the Subcommittee published two reports concerning subjects in its area of oversight responsibility:

(1) The Miroslav Medvid Incident: October 24–29, 1986; and
(2) U.S. Refugee Program in Southeast Asia 1985.

### Legislative Activities

The Subcommittee held 6 days of legislative hearings on the following subjects:

Immigration Reform and Control Act of 1985, S. 1200 (3 days);

Anti-discrimination provisions of Immigration Reform and Control Act, S. 1200 and H.R. 3810, joint hearing with the House Subcommittee on Immigration, Refugees, and International Law (1 day);

Extended Voluntary Departure Issues, S. 377 (1 day); and

Immigration Marriage Fraud, S. 2270 (1 day).

The Subcommittee also received testimony concerning the Refugee Act reauthorization bills (S. 1262 and H.R. 1452) during the annual and mid-year consultations on refugee admissions.

The Committee on the Judiciary issued reports on the following bills referred to the Subcommittee: Immigration Reform and Control Act, S. 1200; Refugee Assistance Extension Act, S. 1262; and Immigration-Related Marriage Fraud, S. 2270.

### Measures Enacted Into Law

#### IMMIGRATION REFORM

Public Law 99–603 (S. 1200), the Immigration Reform and Control Act of 1986, makes major reforms in the Nation's immigration laws. The legislation had been in process for nearly 6 years, and its purpose was to control illegal immigration. The bill contained provisions to penalize employers who knowingly hired illegal aliens, to create a secure sytem to determine work eligibility in the United States, to increase the enforcement and service resources of the Immigration and Naturalization Service, to provide necessary foreign labor for U.S. agricultural employers, and to grant legal status to those aliens who had lived here illegally since before January 1, 1982.

### MARRIAGE FRAUD

Public Law 99-639 (H.R. 3737) was enacted to deter immigration-related marriage fraud.

### VISAS FOR ALIEN CREWMEN IN GUAM

Public Law 99-505 (H.R. 2224) was enacted to revise visa issuance procedures for certain alien crewmen in Guam.

### REFUGEE DOMESTIC RESETTLEMENT PROGRAM

Public Law 99-605 (H.R. 1452) was enacted to reauthorize for two years the refugee domestic resettlement program.

### CONSULAR EFFICIENCY

Public Law 99-653 (H.R. 4444) was enacted to amend the Immigration and Nationality Act and other Federal statutes with regard to: (1) adopted children; (2) foreign state chargeability; (3) record-keeping requirements; (4) loss of nationality; and (5) parent and child transmission of citizenship.

### PRIVATE RELIEF LEGISLATION

Of the 27 Senate bills and 9 House bills that were referred to the Subcommittee, 16 bills were enacted into private law.

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## SUBCOMMITTEE ON COURTS

Mr. McCONNELL, *Chairman* *

Mr. THURMOND
Mr. SIMPSON
Mr. LAXALT
Mr. HEFLIN
Mr. DECONCINI

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* Senator John P. East, of North Carolina, was chairman of the Subcommittee until his death on June 29, 1986, at which point Senator Mitch McConnell became Chairman of the Subcommittee.

### JURISDICTION

The jurisdiction of the Subcommittee on Courts included oversight and legislative responsibilities for the Federal courts; Administrative Office of the United States Courts, civil judicial proceedings; local courts in the territories and possessions; court reform and alignment; judicial disability and tenure; Federal Rules of Civil Procedure; jurisprudence; oversight of Civil Division of the Department of Justice; and bankruptcy.

### LEGISLATIVE ACTIVITIES

During the 99th Congress, 33 Senate bills, and 5 House Resolutions were referred to the Subcommittee. Two of these measures, H.R. 2183 and H.R. 3570, were enacted into law.

## Measures Enacted Into Law

### COURT OF INTERNATIONAL TRADE

Public Law 99-466 (H.R. 2183—Mr. Rodino), which authorizes the participation of judges on the Court of International Trade in judicial conferences, was reported favorably by the full Committee.

### JUDICIAL SURVIVORS ANNUITIES REFORM ACT OF 1985

Public Law 99-336 (H.R. 3570—Mr. Kastenmeier, et al.), the Judicial Survivors' Annuities Reform Act of 1985, was enacted to increase the annuities available to the survivors of article III judges.

## Other Measures Actively Considered

S. 704 (Mr. Thurmond, Mr. Heflin, Mr. Dole, Mr. Simpson, Mr. Laxalt, Mr. Hatch, Mr. Denton, Mr. Specter, Mr. McConnell, Mr. DeConcini, Mr. Hatfield, Mr. Cochran, and Mr. McClure) proposed a panel of circuit judges to decide intercircuit conflicts upon the referral of the Supreme Court. The Subcommittee held a 1-day hearing on this bill, S. Hrg. 99-383. It was amended and reported favorably at both the Subcommittee and full Committee levels; the measure was not acted upon by the full Senate.

S. 705 (Mr. Burdick) would have established separate provisions governing family farm reorganizations. The Subcommittee held 2 days of joint hearings with the Subcommittee on Administrative Practice and Procedure, S. Hrg. 99-83.

S. 1392 (Mr. DeConcini, Mr. Dixon, Mr. Hatch, Mr. Cochran, Mr. Matsunaga, and Mr. Inouye), the Judicial Survivors' Annuities Reform Act of 1985, was incorporated into similar measure H.R. 3570 (also referred to the Subcommittee), which was enacted into Public Law 99-336. This act increases the annuities available to the survivors of article III judges. The Subcommittee held a 1-day hearing on S. 1392 and H.R. 3570, S. Hrg. 99-594.

S. 1961 (Mr. Thurmond, Mr. DeConcini, Mr. Andrews, Mr. Burdick, Mr. D'Amato, Mr. Dixon, Mr. Simon, and Mr. Warner) sought to make permanent and nationwide the existing experimental United States Trustee Program. The Subcommittee held a 1-day hearing on this bill.

S. 2424 (Mr. Thurmond), which amended the interest provisions of the Declaration of Taking Act, was reported favorably by the full Committee. The House companion to this measure, H.R. 5363, was enacted into Public Law 99-656. This law provides a formula for determining interest payments in cases where the Federal Government acquires land pursuant to a Declaration of Taking.

S. 2529 (Mr. Thurmond and Mr. Laxalt) sought to provide for retired magistrates to be recalled to service and to provide a retirement system for U.S. magistrates equal to that of bankruptcy judges. The Subcommittee held a 1-day hearing on this legislation. Portions of this bill were incorporated into H.R. 3004 (via S. 1581) and were enacted into Public Law 99-651.

S. 2531 (Mr. Grassley, Mr. Denton, and Mr. Trible) sought to amend Federal bankruptcy provisions to make nondischargeable any debt arising from a judgment, consent agreement, or claim re-

quiring an individual debtor to make restitution as a result of a violation of State law. The Subcommittee held a 1-day hearing on S. 2531.

H.R. 439 (Hall, et al.) would have required an administrative body to notify the judicial panel on multidistrict litigation if administrative review petitions regarding the same order are filed in multiple appellate courts. After being reported favorably by the Subcommittee and full Committee, this bill was considered and passed by the Senate with amendments. The House failed to take further action.

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## SUBCOMMITTEE ON ADMINISTRATIVE PRACTICE AND PROCEDURE

Mr. GRASSLEY, *Chairman*

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| Mr. SPECTER | Mr. METZENBAUM |
| Mr. BROYHILL* | Mr. HEFLIN |

*Senator John P. East, of North Carolina, was a member of the Subcommittee until his death on June 29, 1986, at which point Senator James T. Broyhill became a member of the Subcommittee.

### JURISDICTION

The jurisdiction of the Subcommittee on Administrative Practice and Procedure included the Administrative Procedure Act, regulatory procedures oversight of Lands and Natural Resources Division of the Department of Justice, legislative veto, consumer interest in Federal agency and executive branch actions, appeal of Federal agency determination of procedures, and claims against the United States.

### OVERSIGHT ACTIVITIES

During the 99th Congress, the Subcommittee on Administrative Practice and Procedure held oversight hearings on the Internal Revenue Service and the Administrative Conference of the United States. The Subcommittee held 17 additional days of hearings on issues within its jurisdiction including (a) the farm credit crisis and farm bankruptcy (S. 2249); (b) the indemnification of Government contractors; (c) agency flow of information; (d) defense procurement fraud; and (e) the prosecution of Soviet embassy demonstrators.

### LEGISLATIVE ACTIVITIES

During the 99th Congress, the Subcommittee on Administrative Practice and Procedure received a total of 12 House bills and 58 Senate bills. Six of these bills were the subject of the following hearings: Military; Medical Malpractice (H.R. 3174 and S. 489); Administrative Law Judges Corps (S. 580 and S. 674); the False Claims Reform Act (S. 1562); and the Rulemaking Procedures Act of 1985 (S. 1145). S. 1145, which would increase the accountability of, policy coordination by, and management of priorities by agencies through an improved mechanism for congressional oversight of the rules of agencies, was favorably reported to the Senate by the full Committee.

## Measures Enacted Into Law

### EQUITABLE WAIVER ACT

Public Law 99-224 (H.R. 1890), by Mr. Hall, provides for an equitable waiver in the compromise and collection of Federal claims.

### ADMINISTRATIVE CONFERENCE AUTHORIZATION

Public Law 99-470 (H.R. 4588), by Mr. Glickman, authorizes appropriations for the Administrative Conference of the United States.

### FALSE CLAIMS ACT

Public Law 99-562 (S. 1562), by Mr. Grassley, amends the False Claims Act and title 18 of the United States Code regarding penalties for false claims and for other purposes.

### FARM BANKRUPTCY REFORM

Public Law 99-554 (S. 2249), by Mr. Grassley, adds a new chapter to the Bankruptcy Act, title 11 of the United States Code, to aid in the reorganization of family farms.

## Private Relief Legislation

Of the 12 House bills, 9 were private relief bills. Of the 58 Senate bills, 37 were private relief bills and 8 were Senate resolutions. Out of 46 private relief bills, 11 were favorably reported from the Subcommittee. Of the eight that eventually passed the Senate, four were enacted into law, one was vetoed, and (at this writing) one was awaiting the President's signature. The remaining two were referred to the United States Claims Court by congressional reference.

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# SUBCOMMITTEE ON SECURITY AND TERRORISM

Mr. DENTON, *Chairman*

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| Mr. HATCH | Mr. LEAHY |
| Mr. McCONNELL | Mr. DeCONCINI |
| Mr. BROYHILL* | |

*Senator John P. East, of North Carolina, was a member of the Subcommittee until his death on June 29, 1986, at which point Senator Broyhill became a member of the Subcommittee.

## Jurisdiction

Terrorism; mutiny; espionage; counterfeiting; oversight of Federal Bureau of Investigation, the Drug Enforcement Administration and the Marshals Service of the Department of Justice; and oversight of legal attachés (Legats).

## Oversight Activities

During the 99th Congress, the Subcommittee on Security and Terrorism, chaired by Senator Jeremiah Denton, held a total of 15 hearings: 3 hearings dealing with oversight of, and authorization for, the Federal Bureau of Investigation (FBI), the Drug Enforce-

ment Administration (DEA) and the U.S. Marshals Service; 2 hearings on legislative initiatives; and 4 hearings dealing with issues of domestic and international terrorism which included a review of domestic mercenary counterterrorism training camps, Libyan-sponsored terrorism, and legal mechanisms to combat terrorism. The latter hearing focused on those available civil and criminal actions which could be taken against Yassir Arafat's Palestine Liberation Organization (PLO). An additional hearing was held on the use of computers to transmit material inciting crime.

In addition, the full Committee held 3 days of joint hearings with the Committee on Foreign Relations on International Terrorism, Insurgency and Drugs, matters within the Subcommittee's jurisdiction. These hearings assisted in progress towards developing a more cohesive policy on terrorism.

To augment the transcripts of the joint hearings, the Subcommittee published a report on "State-Sponsored Terrorism" by Dr. Ray Cline and Dr. Yonah Alexander of the Center for Strategic and International Studies at Georgetown University. The report defines and analyzes the steadily increasing phenomenon of State-sponored terrorism and suggests appropriate responses from the viewpoint of the United States.

The Subcommittee also published a report entitled "Terrorism in Italy: An Update Report, 1983–1985," which brings the examination of the terrorist phenomenon in Italy, as reported by the subcommittee in 1984, up-to-date.

## Legislative Activities

During the 99th Congress, 15 Senate bills were referred to the Subcommittee. Four of these measures were enacted into law. The Subcommittee held a hearing on S. 1373 and S. 1429, bills to amend title 18, United States Code, to authorize prosecution of terrorists and others who attack U.S. Government employees and citizens abroad. At the same hearing, S. 1508, a bill authorizing the death penalty for first degree terrorist murder was also considered. The Subcommittee conducted a legislative hearing on S. 2044, the "United States Marshals Service Act," a bill to enhance the professionalism of the Marshals Service. This measure provides both a statutory basis for the Service's many responsibilities and the necessary authority and flexibility to discharge those responsibilites in the most qualitative and efficient manner possible. This latter hearing, together with the general oversight hearing for the Marshals Service, also explored the feasibility of transferring the Unlawful Flight to Avoid Prosecution (UFAP) program from the FBI to the Marshals Service.

## Measures Enacted Into Law

### NUCLEAR PLANT SECURITY

Public Law 99-399, the Omnibus Diplomatic Security and Antiterrorism Act (H.R. 4151) section 606. (S. 274) Messrs, Denton and Leahy: Nuclear Power Plant Security and Anti-terrorism Act, a bill requiring fingerprinting and criminal history record checks for certain employees of nuclear power plants.

TERRORIST PROSECUTION ACT

Public Law 99-399, section 1202. (S. 1429) Messrs. Specter, Denton, and Leahy: Terrorist Prosecution Act, a bill to establish extraterritorial criminal jurisdiction over serious violent attacks by terrorists upon U.S. nationals.

ESPIONAGE FORFEITURE

Public Law 99-399, section 1306 (S. 1654) Messrs. Stevens, Denton, and Leahy: A bill to establish forfeiture remedies against those convicted of certain espionage offenses.

INTELLIGENCE AUTHORIZATION ACT

Public Law 99-569. (H.R. 4759, the House companion to S. 2477) Mr. Durenberger: the "Intelligence Authorization Act for Fiscal Year 1987."

In addition, revised versions of the following bills became public law:

FREEDOM OF INFORMATION

Public Law 99-570. (H.R. 5484) The Anti Drug Abuse Act, section 1802(c)(3), incorporated a revised version of S. 276, introduced by Mr. Denton, which reforms disclosure, via Freedom of Information Act request, of FBI's records pertaining to foreign intelligence of counterintelligence, or international terrorism.

EMBASSY SECURITY

Public Law 99-399, section 1302. Incorporated sense of the Congress language concerning demonstrations at embassies in the District of Columbia. This language was developed as a result of Senate passage of S. 2508, introduced by Mr. Grassley.

Finally, through the efforts of the Subcommittee, commemorative resolutions were passed proclaiming October 23, 1985 and 1986, "A Time of Remembrance" for all victims of terrorism throughout the world (Public Laws 99-132 and 99-403). This date marked the second and third anniversary of the terrorist bombing of the multinational peace-keeping mission in Beirut, Lebanon. This legislation and the commemorative ceremony held on October 23, 1985, at Arlington National Cemetery were of international significance and were met with appreciation and support from around the world.

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## SUBCOMMITTEE ON JUVENILE JUSTICE

Mr. SPECTER, *Chairman*

Mr. DENTON
Mr. MATHIAS
Mr. McCONNELL
Mr. SIMON
Mr. METZENBAUM

### JURISDICTION

The jurisdiction of the Subcommittee on Juvenile Justice includes oversight responsibility for Federal programs administered

under the Juvenile Justice and Delinquency Prevention Act and the Runaway and Homeless Youth Act.

### Oversight Activities

During the 99th Congress, the Subcommittee on Juvenile Justice held oversight hearings on:

Issues surrounding the search for Dr. Josef Mengele (2 days);

To examine the involvement of juveniles in fire incidents;

To explore the problems of juvenile victims in sexual assault cases;

To review the Federal role in addressing youth suicide, focusing on research, education, and prevention programs;

On activities of the Office of Juvenile Justice and Delinquency Prevention, focusing on the Missing Children's Program, the Formula Grant Program, and research and special emphasis grants (2 days);

On the plight of missing children, focusing on private sector initiatives to assist in efforts to find missing children and to investigate the dangers of fraud and abuse in efforts to recover missing children; and

On the problem of parental abduction and child support enforcement.

### Legislative Activities

During the 99th Congress, 22 Senate bills were either referred to the Subcommittee or handled on the floor of the Senate without Committee referral. One of these measures was enacted into law.

During the 99th Congress, the Subcommittee held 6 days of legislative hearings on the following bills:

Child Abuse Victims Rights Act of 1985 (S. 985);

Computer Pornography and Child Exploitation Act of 1985 (S. 1305);

Child Victim Witness Protection Act of 1985 (S. 1156);

A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide States with assistance to establish or expand clearinghouses to locate missing children (S. 1174);

A bill to prevent sexual molestation of children in Indian country (S. 1818); and

Child Sexual Abuse and Pornography Act of 1986 (S. 2398).

### Measures Enacted into Law

#### CHILD MOLESTATION

Public Law 99-303 (S. 1818) Mr. Denton et al.: A bill to prevent the sexual molestation of children in Indian country.

99th CONGRESS

LEGISLATIVE STATISTICS

# COMMITTEE ON THE JUDICIARY

| Total measures introduced or presented in the Senate | | Measures received by the Committee on the Judiciary | | Percentage of measures received in committee |
|---|---|---|---|---|
| 2,954 | Senate Bills | 544 | Senate Bills | 18 |
| 432 | S.J. Res. | 323 | S.J. Res. | 75 |
| 519 | S. Res. | 31 | S. Res. | 6 |
| 175 | S. Con. Res. | 17 | S. Con. Res. | 9 |
| 4,080 | Total Senate measures introduced | 915 | Total Senate measures received | 21 |
| 507 | House Bills | 15 | House Bills | 11 |
| 151 | H.J. Res. | 57 | H.J. Res. | 38 |
| 88 | H. Con. Res. | 7 | H. Con. Res. | 8 |
| 746 | Total House measures presented | 123 | Total House measures received | 16 |
| 4,826 | Total measures introduced/presented | 1,038 | Total measures received | 21 |

| Total measures reported by all Senate committees | | Measures reported to the Senate by the Committee on the Judiciary | | Committee on the Judiciary measures as a percentage of all measures reported to the Senate |
|---|---|---|---|---|
| 385 | Senate Bills | 87 | Senate Bills | 23 |
| 227 | S.J. Res. | 195 | S.J. Res. | 85 |
| 110 | S. Res. | 8 | S. Res. | 7 |
| 22 | S. Con. Res. | 3 | S. Con. Res. | 13 |
| 744 | Total Senate measures reported | 293 | Total Senate measures reported | 39 |
| 119 | House Bills | 24 | House Bills | 20 |
| 42 | H.J. Res. | 29 | H.J. Res. | 7 |
| 7 | H. Con. Res. | 3 | H. Con. Res. | 43 |
| 168 | Total House measures reported | 56 | Total House measures reported | 33 |
| 912 | Total measures reported | 349 | Total measures reported | 38 |

| Total measures passed by the Senate | | Committee on the Judiciary measures passed by the Senate | | Committee on the Judiciary measures as a percentage of measures passed by the Senate |
|---|---|---|---|---|
| 236 | Senate Bills | 59 | Senate Bills | 20 |
| 240 | S.J. Res. | 198 | S.J. Res. | 65 |
| 143 | S. Res. | 13 | S. Res. | 9 |
| 57 | S. Con. Res. | 3 | S. Con. Res. | 5 |
| 776 | Total Senate measures | 273 | Total Senate measures | 35 |
| 277 | House Bills | 35 | House Bills | 13 |
| 127 | H.J. Res. | 44 | H.J. Res. | 34 |
| 56 | H. Con. Res. | 3 | H. Con. Res. | 5 |
| 460 | Total House measures | 82 | Total House measures | 17 |
| 1,236 | Total measures passed | 355 | Total measures passed | 27 |

| Total measures which became Public Law | | Committee on the Judiciary measures which became Public Law | | Committee on the Judiciary measures as a percentage of measures which became Public Law |
|---|---|---|---|---|
| | | 10 | Senate Bills | |
| | | 150 | S.J. Res. | |
| | | 29 | House Bills | |
| | | 76 | H.J. Res. | |
| 570 | Total measures | 265 | Total measures | 44 |

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